

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>9-10-08</u>
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ROBERT P. "SKIP" CUMMINS,

Plaintiff,

vs.

SUNTRUST CAPITAL MARKETS, INC.,
AMIT HAZAN, and JONATHAN BLOCK,

Defendants.

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Case No. 07 CV 4633 (JGK)

JURY DEMAND

Order

**JOINT MOTION FOR ENTRY OF SUMMARY JUDGMENT MOTION
SCHEDULING ORDER**

The above-captioned parties respectfully submit this Joint Motion for Entry of Summary Judgment Motion Scheduling Order. ~~For the Court's convenience, the Parties have concurrently submitted to the clerk a [Proposed] Consent Summary Judgment Motion Scheduling Order. As set forth below, entry of the [Proposed] Consent Summary Judgment Motion Scheduling Order is in the best interests of all parties and will increase judicial efficiency and economy.~~

1. The parties anticipate that Summary Judgment Motions will be filed by September 5, 2008, per the Court's August 2, 2007 Scheduling Order entered in this case.

2. The Southern District of New York's Local Civil Rule 6.1(b) states that in motions such as a Motion for Summary Judgment, "any opposing affidavits and answering memoranda shall be served within ten business days after service of the moving papers, and . . . any reply affidavits and memoranda of law shall be served within five business days after service of the answering papers."

3. The parties respectfully request that for the convenience of the parties, and because of

the potentially dispositive nature of a Motion for Summary Judgment and the complexity of this case, the parties be allowed to diverge from the schedule set out in Local Civil Rule 6.1(b) by implementation of the following schedule for Summary Judgment briefing:

- a. Motions for Summary Judgment filed by: **September ¹⁰ 8, 2008**
- b. Answering Memoranda and Opposing Affidavits regarding Motions for Summary Judgment filed by: **October ¹⁰ 8, 2008**
- c. Reply Memoranda and Affidavits regarding Motions for Summary Judgment filed by: **October 24, 2008.**

Respectfully submitted this 26th day of August, 2008.

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So ordered.
[Signature]
U.S.D.J.
9/8/08